

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

RAYMOND CAPELLA,

Plaintiff,

v.

Case No: 6:21-cv-1383-GKS-DCI

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

REPORT AND RECOMMENDATION

This cause comes before the Court for consideration without oral argument on the following motion:

**MOTION: UNOPPOSED MOTION FOR ENTRY OF JUDGMENT
WITH REVERSAL AND REMAND (Doc. 24)**

FILED: November 9, 2021

THEREON it is RECOMMENDED that the motion be GRANTED.

On November 9, 2021, the Commissioner of Social Security filed a motion for entry of judgment with remand (the Motion). Doc. 24. In the Motion, the Commissioner requests that the Court “enter a judgment, with a remand of the cause to the Commissioner for further action, under sentence four of 42 U.S.C. § 405(g) for the following reasons”:

Upon remand, the Appeals Council will instruct a different Administrative Law Judge to offer the claimant an opportunity for a new hearing, proceed through the relevant steps of the sequential evaluation process, and issue a new decision.

Id. at 1. In light of the foregoing, the Commissioner requests that her decision be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g) so that an ALJ may perform the tasks

detailed above. *Id.* at 1-2. The Motion is unopposed. *Id.* at 1. The undersigned finds the Motion well-taken.

Accordingly, it is **RECOMMENDED** that:

1. The Motion (Doc. 24) be **GRANTED**;
2. The final decision of the Commissioner be **REVERSED** and **REMANDED** to the Commissioner pursuant to sentence four of § 405(g) for the above stated reasons; and
3. The Clerk be directed to enter judgment in favor of Plaintiff and to close the case.

NOTICE TO PARTIES

The party has fourteen days from the date the party is served a copy of this report to file written objections to this report's proposed findings and recommendations or to seek an extension of the fourteen-day deadline to file written objections. 28 U.S.C. § 636(b)(1)(C). A party's failure to serve and file written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. *See* 11th Cir. R. 3-1; 28 U.S.C. § 636(b)(1). **The parties may file a notice of no objection in they have no objection to this Report and Recommendation.**

Recommended in Orlando, Florida on November 22, 2021.



DANIEL C. IRICK
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Presiding District Judge
Counsel of Record
Unrepresented Party
Courtroom Deputy